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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

To: Commissioner for Patents
Box Non-Fee Amendment
P.O.Box 1450
Alexandria, VA 22313-1450

APPLICANTS: Jack V. Miller and Ruth Ellen Miller
Mailing Date: December 27, 2007
Title: Tracklight System
Serial Number: 10/656/718
Examiner: Anabel M. Ton

RESPONSE TO OFFICE ACTION DATED 12/11/07

BACKGROUND:

The examiner suggested a minor wording change to claim 1 which the applicant agreed to and responded with a minor wording correction to claim 1. Thus the examiner allowed claims 1-10 and rejected claims 11-14 per office action dated March 13, 2007. **(attachment 1, notice of allowance)**. The office action stated: "Prosecution on the merits is closed in accordance with the practice under Ex parte Quale, 1935 C.D. 11,453 O.G. 213."

The applicant accepted the suggested correction of claim 1 by telephone on Mar 17, 2007 and confirmed the acceptance and withdrew claims 11-14 to expedite patent issuance. **(attachment 2, FAX receipt)**, and sent a formal response with the corrected claim 1 on Sep 26, 2007 **(attachment 3, corrected claim 1)**

The examiner then on Dec 11, 2007 withdrew allowance of claim 1 after **(attachment 4, 12/11/17)** and cited "newly discovered" two